

No. 77-137

Supreme Court, U. S.

FILED

NOV 2 1977

MICHAEL RODAK, JR., CLERK

**In the Supreme Court of the United States**

OCTOBER TERM, 1977

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WAYNE EARL ELLISON, PETITIONER

v.

UNITED STATES OF AMERICA

---

*ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE SEVENTH CIRCUIT*

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**MEMORANDUM FOR THE UNITED STATES  
IN OPPOSITION**

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WADE H. MCCREE, JR.,  
*Solicitor General,  
Department of Justice,  
Washington, D.C. 20530.*

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Petitioner was convicted of conspiracy to distribute and distribution of controlled substances, in violation of 21 U.S.C. 841(a)(1). The court of appeals affirmed on June 29, 1977. The petition for a writ of certiorari was filed on July 25, 1977. Petitioner died at Evansville, Indiana, on October 14, 1977. Accordingly, the petition for a writ of certiorari should be dismissed. *Dove v. United States*, 423 U.S. 325.

Respectfully submitted.

WADE H. MCCREE, JR.,  
*Solicitor General.*

NOVEMBER 1977.

DOJ-1977-10

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